

Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real, Suite 900
Palo Alto, CA 94306
TEL: 650.843.4000
FAX: 650.843.4001
eFax: 877.432.9652
www.morganlewis.com

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C O U N S E L O R S A T L A W

SEND TO

Name: **Examiner Frank Lu, Ph.D.** Firm: **UNITED STATES PATENT and
Group 1600
Crystal Mall 1**
FAX Number: **571-273-8300** Telephone Number: **571-272-0746**
Title: **Fiber Array And Methods
For Using And Making Same**

FAX MESSAGE

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FROM

Name: **David R. Owens** Date Sent: **October 14, 2005**
Operator Telephone: **(650) 843-7509**
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FAX Number: **(650)843-4001** Floor: 6 Number of Pages: **3**
(including cover page)

COMMENTS

Enclosed for filing are the following documents:

1. Terminal Disclaimer; and
2. Terminal Disclaimer Fee Sheet.

File No.: 061193-0049-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 14 2005

Application of: Vann *et al.* Confirmation No.: 2185
Serial No.: 10/602,900 Art Unit: 1634
Filed: June 23, 2003 Examiner: Lu, Frank Wei Min
For: *Fiber Array and Methods For
Using And Making Same* Attorney Docket No.: 061193-0049-US

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Applera Corporation, assignee of 100% of the entire right, title and interest in and to the above identified application by virtue of an assignment which was recorded on February 5, 2003 at Reel 013742, Frame 0868 hereby disclaims the terminal part of any patent granted on the above identified application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,649,404 B1, which issued on November 18, 2003. The owner hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above identified application and is binding upon the grantee, its successors, and assigns.

In making the above disclaimer, the owner does not disclaim any terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of prior U.S. Patent No. 6,649,404 B1, as presently shortened by any terminal disclaimer, in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. The Terminal Disclaimer fee under 37 C.F.R. 1.20(d) is submitted concurrently herewith.

Date: October 14, 2005By: 

David R. Owens
Reg. No 40,756
Attorney of Record for Assignee,
Applera Corporation

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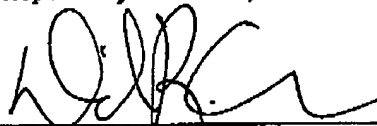
TERMINAL DISCLAIMER FEE SHEET

Commissioner for Patents
P.O. Box 1450
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Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$130.00. Please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 061193-0049 US). A copy of this sheet is attached for accounting purposes.

Respectfully submitted,



40,756

Date: October 14, 2005

David R. Owens
Morgan, Lewis & Bockius LLP
2 Palo Alto Square, Suite 700
3000 El Camino Real
Palo Alto, California 94306
650-843-4000

(Reg. No.)